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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,408	12/26/2001	Yong Chen	10019853-1	8553

7590 08/27/2003

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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EXAMINER

AHMED, SHAMIM

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 08/27/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/033,408

Applicant(s)

CHEN ET AL.

Examiner

Shamim Ahmed

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 8-15, 17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It does not state the correct application number of the claimed priority under Title 35, United States Code, Section 120.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The disclosure contain blank spaces at page 1, line 11.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 16,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al (6,440,637) in view of Ding et al (5,814,563).

As to claims 1 and 5, Choi et al disclose a process of making and using a nanometer etch mask, wherein growing nanostructures (28a and 28b) on a major surface of an etchable layer (24) on a substrate (22) (col.6, lines 3-15 and figure 3).

Choi et al also disclose a step of anisotropic reactive ion etching of the etchable layer using the nanostructure as a mask to form the nanowires (37a and 37b) onto the substrate (col.6, lines 19-28 and figure 5).

Choi et al fails to teach that the substrate (22) could include a semiconductor substrate having an insulation layer.

However, it would have been obvious to one skilled in the art at the time of claimed invention to use the semiconductor substrate including insulation layer of typically silicon oxide in order to easily make semiconductor devices.

Ding et al teach that a substrate could be any of material such as glass, ceramic, metal, polymer or semiconductor substrate, such as silicon or gallium arsenide wafers with an insulation layer of silicon oxide (col.3, lines 50-57).

As to claim 2, Choi et al teach that an atomic species can be deposited on the nanowires (col.6, lines 28-30).

As to claims 3-4, modified Choi et al teaches that the substrate could be any materials of silicon or metal or polymer (col.3, lines 51-54 of Ding et al reference).

As to claims 18-19, Choi et al teach that the self-assembled nano structures (28a and 28b) are removed after forming the nanowires on the substrate (col.6, lines 25-26).

#### ***Allowable Subject Matter***

5. Claims 8-15,17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 1765

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest a method of growing self-assembled nanowires on the etchable layer by forming an interfacial plane with significant lattice mismatch along all the crystallographic axes except one major axis as the context of claim 8.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sandhu et al (5,344,792) disclose a process of making metal silicide on a silicon substrate; Chen et al (6,294,450) disclose a conventional process of forming nanoscale patterns of the formation of nanowires; and Brown et al (6,297,063) disclose a process of making circuit device with nanowires.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (703) 305-1929. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G Norton can be reached on (703) 305-2667. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 10/033,408  
Art Unit: 1765

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Shamim Ahmed  
Examiner  
Art Unit 1765

SA

NADINE G. NORTON  
PRIMARY EXAMINER

